

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
Durham Division**

VICTOR VOE, *et al.*,

*Plaintiffs,*

v.

THOMAS MANSFIELD, *et al.*,

*Defendants,*

and

PHILIP E. BERGER, *et al.*,

*Intervenor-Defendants.*

Civil No. 1:23-CV-864-LCB-LPA

**PLAINTIFFS' RESPONSE TO INTERVENOR-DEFENDANTS'  
MOTION TO FILE MATERIALS UNDER SEAL**

Plaintiffs respectfully submit this response to Intervenor-Defendants' Motion to File Under Seal Brief in Support of Their Motion for Leave to File Supplemental Expert Declaration and Corresponding Declaration. ECF No. 77. Because there are two related motions pending before the Court, Plaintiffs offer the following background for clarity:

1. On April 2, 2024, Intervenor-Defendants filed a motion seeking leave to file a supplemental declaration from Dr. Cantor, and an accompanying appendix of materials. ECF No. 75. Plaintiffs vigorously oppose the relief sought in that motion and will file a response on or before the April 23, 2024 deadline to do so. ECF No. 75; LR 7.3(f).

2. The same day, Intervenor-Defendants filed a motion seeking leave to file under seal portions of their supporting brief (ECF No. 76), Dr. Cantor's declaration (ECF No. 79), and the accompanying appendix (ECF No. 79-1). ECF No. 77. Plaintiffs respond here to the request to seal those materials.

3. While Plaintiffs believe the underlying motion to *file* these materials should be denied in the first instance (which would moot the motion to seal), Plaintiffs do not oppose the motion to *seal* portions of those documents in the event that the Court grants Intervenor-Defendants leave to file them.

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Respectfully submitted,

Dated: April 16, 2024

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\* Appearing by notice of special  
appearance pursuant to L.R. 83.1(d).

*Counsel for Plaintiffs*

## **CERTIFICATE OF SERVICE**

I hereby certify that on April 16, 2024, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, and have verified that such filing was sent electronically using the CM/ECF system to all parties who have appeared with an email address of record.

Dated: April 16, 2024

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